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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,814	01/29/2001	Giridhar D. Mandyam	NC17123 (NOKI02-17123)	9514

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EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,814

Applicant(s)

MANDYAM, GIRIDHAR D.

Examiner

Tanmay S Lele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 –3, 11 – 13, 16, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (Kim, US Patent No. 6,512,931).

Regarding claims 1 and 16, Kim teaches of in a radio communication system and method in which data is communicated between a first communication station and a second communication station upon a communication channel, an improvement of apparatus for selectably permitting communication of data by the first communication station to the second communication station (starting column 2, line 61 and ending column 3, line 8), said apparatus comprising: a detector positioned at the first communication station, said detector for detecting closed-loop power control commands communicated to the first communication station by the second communication station (starting column 2, line 61 and ending column 3, line 8 and starting column 4, line 65 and ending column 5, line 12); a measurer coupled to said detector, said measurer for measuring indications of the power control commands during at least a selected time period (starting column 2, line 64 and ending column 3, line 8 and starting column 4, line 65 and ending column 5, line 12); and a decision maker coupled to said measurer to

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receive measured values measured by said measurer, said decision maker for comparing the measured values with a threshold value, and for selectably generating a data communication permission command responsive to comparisons made thereat (starting column 2, line 61 and ending column 3, line 8 and starting column 4, line 66 and ending column 5, line 12).

Regarding claim 2, Kim teaches all the claimed limitations as recited in claim 1. Kim further teaches of wherein the closed-loop power control commands to which said detector is positioned to detect are of first values to indicate to the first communication station that communication-signal power levels are to be increased (starting column 4, line 66 and ending column 5, line 12) and are of second values to indicate to the first communication station that communication-signal power levels are to be decreased (starting column 4, line 66 and ending column 5, line 12).

Regarding claim 3 and 17, Kim teaches all the claimed limitations as recited in claims 1 and 16. Kim further teaches of wherein the radio communication system is operable pursuant to a first communication service and at least a second communication service (column 1, lines 26 – 34), the data communicated pursuant to effectuation of the second communication service (column 1, lines 26 – 34) and wherein the closed-loop power control commands to which said detector is coupled to receive are communicated pursuant to effectuation of the first communication service (column 2, lines 54 – 57 and starting column 4, line 66 and ending column 5, line 12).

Regarding claim 11, Kim teaches all the claimed limitations as recited in claim 1. Kim further teaches of wherein said measurer comprises a summer for summing together

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values of the power control commands during the at least the selected time period (column 2, lines 64 – 66 and starting column 4, lines 64 and ending column 5, line 13).

Regarding claim 12, Kim teaches all the claimed limitations as recited in claim 11. Kim further teaches of wherein a plurality of the power control commands are communicated to the first communication station during the selected time period)column 2, lines 64 – 66).

Regarding claim 13, Kim teaches all the claimed limitations as recited in claim 12. Kim further teaches of wherein the power control commands comprise binary values indicative, alternately, of power-up and power-down commands (column 4, lines 9 – 28) and wherein sums summed by said summer define average power control commands during the selected time period (column 2, lines 64 – 66 and starting column 4, line 66 and ending column 5, line 12).

Regarding claim 19, Kim teaches all the claimed limitations as recited in claim 16. Kim further teaches of wherein said operation of measuring comprises summing together values of the indications of the power control commands during the selected time period (column 2, lines 64 – 66).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4, 5, 7, 14, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (Kim, US Patent No. 6,512,931) as applied to claims 3 and 13 above, and further in view of Chuah et al (Chuah, US Patent No. 6,587,672).

Regarding claim 4, Kim teaches all the claimed limitations as recited in claim 3. Kim further teaches of wherein communications effectuated pursuant to the first communication service include communications effectuated by way of a dedicated air interface link (column 1, lines 35 – 39 and column 2, lines 54 – 58).

Kim does not specifically teach of wherein communication of the data, permitted responsive to generation of the data communication-permission command by said decision maker, is effectuated pursuant to the second communication service.

In a related art dealing with added services for next generation systems, Chuah teaches of wherein communication of the data, permitted responsive to generation of the data communication-permission command by said decision maker, is effectuated pursuant to the second communication service (starting column 4, line 62 and ending column 5, line 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim's power control system, Chuah's re-transmission methods, for the purposes of allowing one to access extended services which require a more stringent signal quality requirements, as taught by Chuah.

Regarding claim 5, Kim in view of Chuah, teach all the claimed limitations as recited in claim 4. Chuah further teaches of wherein the second communication service, pursuant to which the communication of the data is permitted responsive to generation of

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the data communication-permission command by said decision maker, comprises a data delivery service (column 2, lines 52 –55).

Regarding claim 7, Kim in view of Chuah, teach all the claimed limitations as recited in claim 5. Chuah further teaches of wherein the data burst delivery service comprises an IP (internet-protocol)-formatted delivery service and wherein the data, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an IP-formatted data burst (column 2, lines 52 –55).

Regarding claim 14, Kim teaches all the claimed limitations as claimed in claim 13. Kim does not specifically teach of wherein the threshold value with which the summed values formed by the summer of which said measurer is comprised is selected such that summed values which exceed the threshold value prevents generation of the data communication-permission command.

In a related art dealing with added services for next generation systems, Chuah teaches of wherein the threshold value with which the summed values formed by the summer of which said measurer is comprised is selected such that summed values which exceed the threshold value prevents generation of the data communication-permission command (column 4, lines 31 – 64).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim's power control system, Chuah's re-transmission methods, for the purposes of allowing one to access extended services which require a more stringent signal quality requirements, as taught by Chuah.

Regarding claim 15, Kim in view of Chuah, teach all the claimed limitations as recited in claim 14. Chuah further teaches of wherein the data communication

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permission command is generated when the summed values are less than the threshold value (column 4, lines 46 – 62).

Regarding claim 18, Kim teaches all the claimed limitations as recited in claim 16. Kim does not specifically teach of wherein communication of the burst data, selectably permitted responsive to generation of the communication permission command generated during said operation of selectably generating, is communicated pursuant to a data burst delivery service.

In a related art dealing with added services for next generation systems, Chuah teaches of wherein communication of the burst data, selectably permitted responsive to generation of the communication permission command generated during said operation of selectably generating, is communicated pursuant to a data burst delivery service (column 4, lines 31 – 64).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim's power control system, Chuah's re-transmission methods, for the purposes of allowing one to access extended services which require a more stringent signal quality requirements, as taught by Chuah.

Regarding claim 20, Kim teaches all the claimed limitations as recited in claim 16. Kim does not specifically teach of wherein the data communication permission command is generated during said operation of selectably generating when the values of the indications of the power control commands are beneath the threshold value.

In a related art dealing with added services for next generation systems, Chuah teaches of wherein communication of the burst data, selectably permitted responsive to generation of the communication permission command generated during said operation

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of selectably generating, is communicated pursuant to a data burst delivery service (column 4, lines 46 – 64).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim's power control system, Chuah's re-transmission methods, for the purposes of allowing one to access extended services which require a more stringent signal quality requirements, as taught by Chuah.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (Kim, US Patent No. 6,512,931) as applied to claim 3 above, and further in view of Chuah et al (Chuah, US Patent No. 6,587,672) as applied to claims 5 and 7 above, and further in view of Bos et al. (Bos, US Patent No. 6,456,857).

Regarding claim 6, Kim in view of Chuah, teach all the claimed limitations as recited in claim 5. Kim in view of Chuah do not specifically teach of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data (though Chuah makes reference to other protocols possibly being used in column 2, lines 52 –55).

In a related art dealing with terminal capable or accessing multiple feature sets, Bos teaches of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data (column 2, lines 44 – 50 and starting column 4, line 66 and ending column 5, line 6).

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It would have been obvious to one skilled in the art at the time of invention to have included into Kim and Chuah's power control system, Bos' provisions for other standards, for the purposes of creating interoperability in one terminal amongst all available standards (and thus increase user functionality) as taught by Bos.

Regarding claim 8, Kim and Chuah, teach all the claimed limitations as recited in claim 7. Kim in view of Chuah do not specifically teach of wherein the radio communication system comprises a cellular communication system which provides for SMS (short message service) messaging, and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an SMS message.

In a related art dealing with terminal capable or accessing multiple feature sets, Bos teaches of wherein the radio communication system comprises a cellular communication system which provides for SMS (short message service) messaging, and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an SMS message (column 7, lines 46 – 60 and column 9, lines 49 – 55).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim and Chuah's power control system, Bos' provisions for other standards, for the purposes of creating interoperability in one terminal amongst all available standards (and thus increase user functionality) as taught by Bos.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (Kim, US Patent No. 6,512,931) as applied to claim 3 above, and further in view of

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Chuah et al (Chuah, US Patent No. 6,587,672) as applied to claims 5 and 7 above, and further in view of Ahmadvand (Ahmadvand, US Patent No. 6,477,670).

Regarding claim 9, Kim in view of Chuah, teach all the claimed limitations as recited in claim 7. Kim in view of Chuah do not specifically of wherein the IP-formatted delivery service comprises a GUTS (Generalized UDP Transport Service)-formatted service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a GUTS-formatted data burst (though Chuah teaches of the use of IP in UMTS networks, column 2, lines 52 –55)

In a related art dealing with quality of service in UMTS networks, Ahmadvand teaches of of wherein the IP-formatted delivery service comprises a GUTS (Generalized UDP Transport Service)-formatted service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a GUTS-formatted data burst (column 3,lines 56 – 65).

It would have been obvious to one skilled in the art at the time of invention to have included into Kim and Chuah's power control system, Ahmadvand's protocol, for the purposes of delivering varying levels of quality of service, based on the requested data, as taught by Ahmadvand.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (Kim, US Patent No. 6,512,931) as applied to claim 1 above, and further in view of Dohi et al. (Dohi, US Patent No. 5,604,766).

Regarding claim 10, Kim teaches all the claimed limitations as recited in claim 1.

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Kim further teaches of wherein the radio communication system comprises a cellular communication system operable pursuant to a CDMA (code-division, multiple-access) communication scheme (column 2, lines 54 – 57).

Kim does not specifically teach of wherein the first communication station comprises a cellular-system base transceiver station and the second communication station comprises a cellular-system mobile station, and wherein the closed-loop power control commands to which said detector is coupled to receive are communicated by the mobile station to the base transceiver station.

In a related art dealing with power control, Dohi teaches of wherein the first communication station comprises a cellular-system base transceiver station and the second communication station comprises a cellular-system mobile station (column 2, lines 20 – 46 and column 8, lines 5 – 8), and wherein the closed-loop power control commands to which said detector is coupled to receive are communicated by the mobile station to the base transceiver station (column 2, lines 20 – 46 and column 8, lines 5 – 8).

It would have been obvious to one skilled in the art at the time of invention, to have included into Kim's power control, Dohi's system of reciprocity in control, for the purposes of controlling power in both links comparably, as taught by Dohi.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Jou et al.	US Patent	6,496,706	Method and System for Transmit Gating in a Wireless Communication System
Moon	WIPO	00/48327	Device and Method for

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			Controlling Transmission on Reverse Link in Mobile Communication System
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Tanmay S Lele
Examiner
Art Unit 2684



tsl
September 7, 2003